

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NATHANIEL COOPER,

Plaintiff,

**DECLARATION**

- against -

Docket No. 14-1820  
(JMA) (AKT)

THE TOWN OF SOUTHAMPTON,  
THE SOUTHAMPTON TOWN POLICE DEPARTMENT  
and "JOHN DOE," a person or firm whose name  
is currently unknown,

Defendants.

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DAVID H. ARNTSEN, an attorney duly authorized to practice law before the courts of the State of New York, and specifically before the United States District Court of the Eastern District of New York, affirms the following under penalty of perjury:

1. I am with DEVITT SPELLMAN BARRETT, LLP and I represent the defendants in the above-captioned matter. I submit this declaration in support of defendants' motion for summary judgment requesting dismissal of the plaintiff's complaint in its entirety.
2. Plaintiff brings the instant action claiming that his rights were violated under 42 U.S.C. § 1983 when he was falsely arrested, maliciously prosecuted and denied due process. He also claims that the Town of Southampton had a policy or practice which led to the violation of his civil rights.

3. Defendants' Rule 56.1 Statement is annexed hereto.

4. Annexed hereto as exhibits are the following items:

Exhibit A: Plaintiff's Complaint

Exhibit B: Defendants' Answer to Plaintiff's Complaint

Exhibit C: Excerpts from Cooper's 50 H Municipal Hearing

Exhibit D: Excerpts from Cooper's federal deposition

Exhibit E: Excerpts from Eric Sickles' deposition

Exhibit F: Excerpts from Christopher McPartland's deposition in the related matter of Cooks v. the Town of Southampton et al, 13-CV-3460 (LDW)(AKT)

Exhibit G: Search warrant

Exhibit H: Arrest documents

Exhibit I: Transcript of Plea Allocution

Exhibit J: Transcript of Dismissal

5. The accompanying Memorandum of Law addresses defendants' legal arguments in detail.

WHEREFORE, it is respectfully requested that this Court grant defendants' motion for summary judgment in its entirety.

Dated: Smithtown, New York  
April 24, 2015

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DAVID H. ARNTSEN